

1 ENGROSSED HOUSE  
2 BILL NO. 2865

By: Buck and Tibbs of the House

3 and

4 Barrington of the Senate

5  
6  
7 An Act relating to criminal procedure; amending 22  
8 O.S. 2001, Section 152, as last amended by Section  
9 130, Chapter 234, O.S.L. 2009 (22 O.S. Supp. 2009,  
10 Section 152), which relates to statute of limitations  
11 for criminal prosecutions; specifying statute of  
12 limitations for certain crime; and providing an  
13 effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 22 O.S. 2001, Section 152, as last  
16 amended by Section 130, Chapter 234, O.S.L. 2009 (22 O.S. Supp.  
17 2009, Section 152), is amended to read as follows:

18 Section 152. A. Prosecutions for the crimes of bribery,  
19 embezzlement of public money, bonds, securities, assets or property  
20 of the state or any county, school district, municipality or other  
21 subdivision thereof, or of any misappropriation of public money,  
22 bonds, securities, assets or property of the state or any county,  
23 school district, municipality or other subdivision thereof,  
24 falsification of public records of the state or any county, school  
district, municipality or other subdivision thereof, and conspiracy

1 to defraud the State of Oklahoma or any county, school district,  
2 municipality or other subdivision thereof in any manner or for any  
3 purpose shall be commenced within seven (7) years after the  
4 discovery of the crime; provided, however, prosecutions for the  
5 crimes of embezzlement or misappropriation of public money, bonds,  
6 securities, assets or property of any school district, including  
7 those relating to student activity funds, or the crime of  
8 falsification of public records of any independent school district,  
9 the crime of criminal conspiracy, the crime of embezzlement,  
10 pursuant to Sections 1451 through 1462 of Title 21 of the Oklahoma  
11 Statutes, or the financial exploitation of a vulnerable adult,  
12 pursuant to Sections 843.1, 843.3 and 843.4 of Title 21 of the  
13 Oklahoma Statutes, shall be commenced within five (5) years after  
14 the discovery of the crime.

15 B. Prosecutions for criminal violations of any state income tax  
16 laws shall be commenced within five (5) years after the commission  
17 of such violation.

18 C. 1. Prosecutions for the crime of rape or forcible sodomy,  
19 sodomy, lewd or indecent proposals or acts against children,  
20 involving minors in pornography pursuant to Section 886, 888, 1111,  
21 1111.1, 1113, 1114, 1021.2, 1021.3 or 1123 of Title 21 of the  
22 Oklahoma Statutes, child abuse pursuant to Section 843.5 of Title 21  
23 of the Oklahoma Statutes, and child trafficking pursuant to Section  
24

1 866 of Title 21 of the Oklahoma Statutes shall be commenced within  
2 twelve (12) years after the discovery of the crime.

3 2. However, prosecutions for the crimes listed in paragraph 1  
4 of this subsection may be commenced at any time after the commission  
5 of the offense if:

6 a. the victim notified law enforcement within twelve (12)  
7 years after the discovery of the crime,

8 b. physical evidence is collected and preserved that is  
9 capable of being tested to obtain a profile from  
10 deoxyribonucleic acid (DNA), and

11 c. the identity of the offender is subsequently  
12 established through the use of a DNA profile using  
13 evidence listed in subparagraph b of this paragraph.

14 A prosecution under this exception must be commenced within three  
15 (3) years from the date on which the identity of the suspect is  
16 established by DNA testing.

17 D. Prosecutions for criminal violations of any provision of the  
18 Oklahoma Wildlife Conservation Code shall be commenced within three  
19 (3) years after the commission of such offense.

20 E. Prosecutions for the crime of criminal fraud or workers'  
21 compensation fraud pursuant to Section 1541.1, 1541.2, 1662 or 1663  
22 of Title 21 of the Oklahoma Statutes shall commence within three (3)  
23 years after the discovery of the crime, but in no event greater than  
24 seven (7) years after the commission of the crime.

1 F. Prosecution for the crime of false or bogus check, Section  
2 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma  
3 Statutes, shall be commenced within five (5) years after the  
4 commission of such offense.

5 G. Prosecution for the crime of solicitation for murder in the  
6 first degree pursuant to Section 701.16 of Title 21 of the Oklahoma  
7 Statutes shall be commenced within seven (7) years after the  
8 discovery of the crime. For purposes of this subsection,  
9 "discovery" means the date upon which the crime is made known to  
10 anyone other than a person involved in the solicitation.

11 H. In all other cases a prosecution for a public offense must  
12 be commenced within three (3) years after its commission.

13 I. Prosecution for the crime of accessory after the fact must  
14 be commenced within the same statute of limitations as that of the  
15 felony for which the person acted as an accessory.

16 J. Prosecution for the crime of arson pursuant to Section 1401,  
17 1402, 1403, 1404 or 1405 of Title 21 of the Oklahoma Statutes shall  
18 be commenced within seven (7) years after the commission of the  
19 crime.

20 K. Prosecutions for criminal violations in which a deadly  
21 weapon is used to commit a felony or prosecutions for criminal  
22 violations in which a deadly weapon is used in an attempt to commit  
23 a felony shall be commenced within seven (7) years after the  
24 commission of the crime.

1        L. As used in paragraph 1 of subsection C of this section,  
2 "discovery" means the date that a physical or sexually related crime  
3 involving a victim under the age of eighteen (18) years of age is  
4 reported to a law enforcement agency, up to and including one (1)  
5 year from the eighteenth birthday of the child.

6        SECTION 2. This act shall become effective November 1, 2010.

7        Passed the House of Representatives the 8th day of March, 2010.

8

9

10

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

11

12        Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

13

14

15

\_\_\_\_\_  
Presiding Officer of the Senate

16

17

18

19

20

21

22

23

24